

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RODERICK LEONANDRA MOORE,
AIS# 146853,

Plaintiff,

vs.

KATHY HOLT, et al.,

Defendants.

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2:05-CV-1203-MHT

SUPPLEMENTAL SPECIAL REPORT

COME NOW the Defendants, Kathy Holt, Cheryl Price, Donal Campbell, Richard Allen and Barbara Howard, in the above-styled action by and through the undersigned counsel, and file their Supplemental Special Report pursuant to the April 12, 2006 Order of this Honorable Court.

The Defendants state as follow:

1. That on March 9, 1995, the Plaintiff was sentenced to a 15-year term, split to serve 2 years.
(Defendants' Exhibit 2, Attachment 1)
2. That under Ala. Code §14-3-38 (1975), if an inmate is sentenced to 2 or more consecutive convictions, then the second subsequent term will begin upon the expiration of the preceding term.
3. That under Ala. Code §14-3-38 (1975), if the sentencing court does not designate the sentence to run concurrent with another sentence, then the sentence is deemed to run consecutive.
4. That the March 19, 1995 transcript does not reflect a "concurrent" sentence. Therefore, it is

deemed to be consecutive. (Defendants' Exhibit 2, Attachment 1)

5. That the Plaintiff was paroled in 1998 prior to serving any time on the consecutive split sentence. At this time, it was the practice of the Alabama Board of Pardon and Paroles to parole inmates with consecutive splits. (Defendants' Exhibit 1, attached hereto). The Plaintiff was later found to be delinquent and his parole revoked.

6. That on July 2, 2003, a memorandum from Bill Segrest, Executive Director, Alabama Board of Pardon and Paroles, was sent to Betty Teague, former director of Central Records of the Alabama Department of Corrections (ADOC) as to the procedure of Pardons and Paroles paroling an inmate to ADOC to serve out his consecutive split sentence. (Defendants' Exhibit 2, Attachment 4, Defendants' Exhibit 1, attached hereto)

7. That on July 2, 2003, a memorandum was sent from Central Records to Bibb Correctional Facility stating that the Plaintiff was paroled to ADOC so as to serve his 1995 consecutive split sentence. (Defendants' Exhibit 2, Attachment 3)

8. That on July 7, 2003, the Plaintiff was paroled to the Plaintiff was paroled to the custody of ADOC. (Defendants' Exhibit 2, Attachment 2)

9. That on August 22, 2003, the sentencing court amended the Plaintiff's transcript so that the 1995 sentence ran concurrent with the 1991 sentence, which the Plaintiff was serving due to his parole revocation. (Defendants' Exhibit 2, Attachment 5)

10. That on March 19, 2005, the Plaintiff was released on probation. (Defendants' Exhibit 2, Attachment 6)

11. That on May 31, 2005, the Plaintiff was declared delinquent by the Alabama Board of Pardons and Paroles. (Defendants' Exhibit 2, Attachment 7)

12. That on July 12, 2005, the Plaintiff was revoked to serve the total term of 15 years in the 1995 case, less any pre-time served. In this case, the Plaintiff was credited with the 2 years that he had already served. (Defendants' Exhibit 2, Attachment 8)

13. That the above facts specifically address the time period of July 7, 2003 to March 19, 2005. During this time period, the Plaintiff was serving the 2 year term on the consecutive split. The Plaintiff's allegation that he has served the same sentence twice is false.

Wherefore these premises considered, the Defendants pray that this Honorable Court will find that the Plaintiff is not entitled to any relief and summary judgment should be granted in favor of all of the Defendants.

Respectfully submitted,

/s/ Kim T. Thomas
KIM T. THOMAS (THO115)
DEPUTY ATTORNEY GENERAL
GENERAL COUNSEL

/s/ Tara S. Knee
TARA S. KNEE (KNE003)
ASSISTANT ATTORNEY GENERAL
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ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon:

Roderick Leonandra Moore
AIS# 146853
Bibb Correctional Facility
565 Bibb Lane
Brent, AL 35034

by placing a copy of same in the United States Mail, first class postage prepaid and properly
addressed this 21st day of April, 2006.

/s/ Tara S. Knee
TARA S. KNEE (KNE003)
ASSISTANT ATTORNEY GENERAL
ASSISTANT GENERAL COUNSEL